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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/684,215 | 10/10/2003 | Kathryn M. Usher | 1001.1736101 | 8683 |
| 28075 | 7590 | 07/19/2005 | EXAMINER | |
| CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420 | | | SPITZER, ROBERT H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,215

Applicant(s)

USHER ET AL.

Examiner

Robert H. Spitzer

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62 and 63 is/are allowed.
- 6) ☒ Claim(s) 1-20, 23-48 and 51-61 is/are rejected.
- 7) ☒ Claim(s) 21, 22, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/20/04; 2/17/04, 3/14/05,
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawing figures are objected to for the following reasons: on Figs. 6-8, there is no number "258" thereon; on Fig. 9, there is no description in the specification of numbers "334", "336" and "362"; on Figs 9 and 12, the connection structure "18" above number "27" should be labeled "28"; on Fig. 11, there is no description of numbers "476", "478" and "480"; on Fig. 12, there is no description of numbers "534" and "536"; on Fig. 13, there is no description of number "578"; on Fig. 14, there is no description of number "678"; on Figs. 15 and 16, there is no description of number "760"; on Fig. 17, there is no description of numbers "878" and "880"; on Fig. 19, there is no description of number "955"; on Fig. 21, there is no number "1882" thereon (page 27, line 16 of the specification); on Fig. 22, there is no description of number "1139"; on Fig. 24, there is no description of number "1272", and no numbers "1220", "1242" and "1248" thereon; on Fig. 25, there is no description of number "1368"; on Fig. 26, there is no description of number "1390"; and, on Fig. 27, there is no description of number "1577", and no number "1517" thereon.

2. Claims 62 and 63 are allowed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1724

4. Claims 1-12,19,20,23-40,45-48,51 and 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the disclosure of the membrane degasser of Ootani et al. (6,168,648).

5. Claims 54-61 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the disclosure of the membrane degasser of WO 99/32186.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-18 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ootani et al. (6,168,648) in view of WO 99/32186. The claims differ from the disclosure of Ootani et al. ('648) in the device including a passage for the insertion and removal of a tool. WO 99/32186 shows a membrane degasser having a passage "70" that is provided to allow a tool or other device to be passed therethrough. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the membrane degasser of Ootani et al. ('648) with a passage for the insertion and removal of a tool, in view of the showing of WO 99/32186, so that the device can be used where degassing also includes the addition and removal of a device into the degasser.

8. Claims 21,22,49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1724

9. The remaining references listed on both the PTO-1449 and the PTO-892 show art of interest.

10. Applicants response to this Office action should also include the following editorial changes: page 3, line 22, "in shown in" should be "shown in"; page 4, lines 19 and 21, "is a is a" should be "is a"; page 7, line 4, "a" should be deleted, and in line 26, "devices" should be "device"; page 10, line 6, "devices" should be "device", line 10, "degasses" should be "degassed", and in line 11, "during a" should be "during"; page 13, line 1, "provides for provides" should be "provides for"; page 15, line 3, "and" should be "an"; page 18, line 24, "56" should be "256"; page 19, line 2, "56" should be "256" and "34" should be "234"; page 22, line 6, "and" should be "an", line 13, "Figures" should be "Figure", line 28, "the 668 fluid inlet port 544" should be "the fluid inlet port 644", lines 29 and 30, "512" should be "612", and in line 30, "and" should be "an"; page 23, line 7, "Figure" should be "Figures", line 25, "and" should be "an", and in line 30, "760" should be "762"; page 24, lines 19,21 and 23, "872" should be "870", and in line 29, "devices" should be "device"; page 25, line 15, "56" should be "956"; page 27, line 8, "know" should be "known", line 23, "112" should be "1112", and in line 29, the second occurrence of "1154" should be "1156"; page 28, line 14, "3" should be "23"; page 29, line 6, "1250" should be "1150", line 20, "describe" should be "described", and in line 30, "Figures" should be "Figure"; claim 22, line 1, "a" should be deleted; claim 23, line 2, "in" should be inserted before "fluid"; claim 39, line 1, "1" should be "29"; and in claim 57, line 1, "55" should be "56".

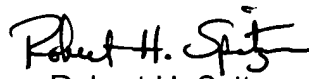
Art Unit: 1724

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 18, 2005


Robert H. Spitzer
Primary Examiner
Art Unit 1724

July 18, 2005